

154 and 172 are now in allowable form. The applicant has overcome all remaining objections and rejections against the subject application, as is more fully set forth below.

Claims 144, 145, 148-154, 156-166 and 168-175 remain pending in the application. Of these, claims 156-166, 173 and 175 has been allowed. The applicant has cancelled claim 176.

The Office Action objects to the Abstract of the Disclosure because the Abstract ostensibly includes legal phraseology, i.e., the word “comprises” on line 2. In response, the applicant maintains that the word “comprises” is not a technical legal term, a legal or technical term of art, nor is it included in a phrase that can be construed as legal phraseology. The word “comprises” is in ordinary English usage. Attached is a copy of the definition of “comprise” from United States dictionary, Webster’s Third New International Dictionary. The dictionary gives several examples of common usage of the word comprise: “A whole religion comprised within one book”; “This program was comprised in the party slogan”; “The fortress comprises many miles of entrenchment and well-hidden artillery positions”; “The recipients...comprised the fifth-largest gate in boxing history”. Because the word “comprises” is not “legal phraseology”, the applicant’s use of the term in the Abstract is permissible.

The Office Action rejects claims 148-154, 168-172, and 174 under 35 USC §112 paragraph 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. According to the Action, the reference in line 1 of claim 148 to “claim 147” is inaccurate because claim 147 has been cancelled. In response, the applicant has amended claim 148 to depend from claim 172.

Regarding claim 172, the Action indicates that at line 4 the word “sad” appears to be a typographical error. The applicant has amended claim 172 to replace the word sad with the word “said”.

The Office Action indicates that, in claim 174, the language from line 1 to 4 is vague and awkward. The applicant has amended claim 174 accordingly.

The Office Action rejects claims 144, 145, 168-171, 174, and 176 under 35 USC §102(b) as being anticipated by EPO '221. According to the Action, EPO '221 discloses a method and apparatus recited in these claims. In response to Applicant's previous argument that EPO '221 does not disclose any scanning of the transverse section of a stream of matter at the detection station as recited in claim 144, the Office Action responds that, "as broadly claimed, EPO '221 does disclose a determining to perform for each detention zone in respect of a plurality of the wavelength simultaneously." In response, the Applicant objects to the Examiner's argument on two bases: First, the Applicant is unable to understand what the Examiner intended to convey by indicating that EPO '221 does "disclose a determining to perform...". Secondly, the Office Action does not indicate where this disclosure appears in EPO '221.

The applicant is unable to locate any such disclosure in the reference. As such, the applicant insists that the Examiner provide a reasoned statement that both explains the rejection and clearly indicates where the alleged disclosure appears in the reference.

Regarding claim 145, the Office Action includes no explanation of the rejection nor does it identify any disclosure of the limitations of claim 145 in the cited reference. As such, the applicant maintains that claim 145 is in allowable form.

Regarding claim 174, the Applicant notes, among other things, that the claim recites that the detection station must be a metal detection station, that the emitting means should serve to emit an electromagnetic field, and that the receiving means should comprise a multiplicity of electromagnetic field sensing devices arranged to be distributed across the steam. The Office Action fails to identify any of these limitations in the cited reference. As such, the applicant maintains that claim 174 and dependent claims 168-171 are in allowable form.

Please enter the amendments under the provisions of 37 CFR §1.116 and reconsider the claims in view of the foregoing amendments and remarks.

I authorize the Assistant Commissioner of charge any deficiencies or credit any overpayment to Deposit Account No. 50-0852. A duplicate copy of this sheet is attached.

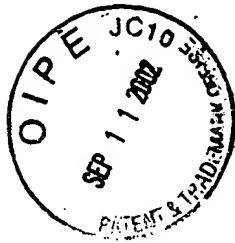
Respectfully submitted,

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Date: September 11, 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Borre Bengt Ulrichsen

Serial No. 09/541,718

Examiner: T. N. Nguyen

Filed: April 30, 2000

Group Art Unit: 3653

For: DETERMINATION OF CHARACTERISTICS OF MATERIAL

MARKED UP COPY OF CLAIMS

Honorable Commissioner of Patents
Washington, D.C. 20231

Sir:

Claims 148, 172 and 174 are amended as follows:

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Claim 148 (twice amended). A method according to claim [147] 172, wherein each of the first and second streams at its said transverse section comprises objects distributed across the stream.

Claim 172 (twice amended). A method of automatically inspecting matter for varying composition, comprising passing through a detection station a first stream of matter, emitting detection medium to be active at a transverse section of said stream at said detection station, wherein [sad] said medium is varied by variations in the composition of said matter at said transverse section, obtaining from said detection station first detection data as to constituent of said first stream, passing a second stream of matter through said detection station simultaneously with said first stream, emitting detection medium to be active at a transverse section of said second stream at said detection station wherein the latter medium is varied by variations in the composition of matter of said second stream at the latter transverse section, and obtaining from said detection station second detection data as to a constituent of said second stream, and

wherein the varied medium from both of the first and second streams is received by a receiving device to both streams.

Claim 174 (twice amended). A method of automatically inspecting a stream of matter for varying composition, comprising [A method of automatically inspecting matter for varying composition, comprising] a detection station through which said stream passes, emitting means serving to emit a detection medium to be active at a transverse section of said stream at said station, receiving means at said station arranged to extend physically across substantially the width of said stream serving to receive detection medium varied by variations in the composition of said matter at said section, detecting means arranged to be in communication with said receiving means and serving to generate detection data independent upon the variations in said medium, and data-obtaining means connected to said detecting means and serving to obtain said detection data therefrom, wherein said station is a metal-detection station, said emitting means serves to emit electromagnetic field, and said receiving means comprises a multiplicity of electromagnetic field sensing devices arranged to be distributed across said stream.

Respectfully submitted,

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